

Statement of the Case.

by the prompt payment of both principal and interest, at maturity, and there is nothing to show that payment was to be made in any other way than through taxation, it necessarily follows that power to tax to meet the payment was one of the essential elements of the power to protect the credit. If what the law requires to be done can only be done through taxation, then taxation is authorized to the extent that may be needed, unless it is otherwise expressly declared. The power to tax in such cases is not an implied power, but a duty growing out of the power to contract. The one power is as much express as the other. Here it seems to have been understood by the legislature that the ordinary taxes might not be enough to enable the county to meet the extraordinary obligation that was to be incurred, and so, without placing any restriction on the amount to be raised, the county court was expressly authorized to do *all* that was necessary to protect the credit of the county.

The subscription was paid by the bonds, but the obligation to pay the bonds, principal and interest, when they matured was legally substituted."

All that was said in that case is applicable to the present case, and places beyond question the power and duty of the county court of Scotland to levy such tax as may be sufficient to pay the judgment obtained by Hill, with interest and costs.

Judgment affirmed.

BORAH v. WILSON.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR
THE SOUTHERN DISTRICT OF ILLINOIS:

No. 309. Argued and submitted April 15, 1891.—Decided April 20, 1891.

This case is affirmed upon the authority of *Harter v. Kernochan*, 103 U. S. 562, and other cases.

THIS was an action brought by citizens, owners of real estate and taxpayers in Wayne County, Illinois, against the officers of that county to have certain issues of bonds of that

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county cancelled as invalid, and an injunction issued to prevent the levy of taxes to pay any of the principal or interest upon them.

Mr H. Tompkins for appellants submitted on his brief.

Mr George A. Sanders for appellees. *Mr T. C. Mather*, *Mr J A. Connolly* and *Mr O J Bailey* filed a brief for same.

PER CURIAM. The decree of the Circuit Court is affirmed upon the authority of *Leach v The People*, 122 Illinois, 420; *Harter v Kernochan*, 103 U. S. 562 *Bonham v. Needles*, 103 U. S. 648.

Affirmed.

STEVENSON v. BARBOUR.

ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF KENTUCKY.

No. 304. Argued and submitted April 14, 1891. — Decided April 20, 1891.

There being no assignment of errors and no specification of errors, and the record presenting no question of law, the judgment below is affirmed.

THE case is stated in the opinion.

Mr J G Carlisle for plaintiff in error submitted on his brief.

Mr Orrin B. Hallam for defendant in error.

PER CURIAM. No assignment of errors accompanies the transcript of record in this case, nor is there any specification of the errors relied on in the brief of counsel for plaintiff in error. Moreover, the record presents no question of law calling for the exercise of our right of review *Fishburn v. Railway Co.*, 137 U. S. 60, *Pacific Express Co. v Malin*, 132 U. S. 531, 538.

The judgment is

Affirmed.